

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MOLLY MOON'S HOMEMADE ICE  
CREAM LLC,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

NO. 2:23-cv-00859-TSZ

STIPULATION AND [PROPOSED] ORDER  
EXTENDING DEADLINE FOR DEFENDANT  
TO RESPOND TO PLAINTIFF'S AMENDED  
COMPLAINT

[NOTE ON MOTION CALENDAR:  
JULY 26, 2023]

**STIPULATION**

Plaintiff Molly Moon's Homemade Ice Cream LLC ("Molly Moon's") and Defendant City  
of Seattle hereby stipulate as follows:

WHEREAS, Molly Moon's filed a complaint in this action on June 7, 2023;

WHEREAS, the City was served on June 9, 2023;

WHEREAS, pursuant to Rule 12, the original deadline for the City to respond to the  
complaint is June 30, 2023;

WHEREAS, Molly Moon's filed an amended complaint in this action on June 28, 2023;

WHEREAS, on June 29, 2023, the Court granted the parties' stipulated motion extending  
the deadline for the City to respond to the complaint to July 27, 2023 (Dkt. 10).

WHEREAS, Molly Moon's' amended complaint alleges facts and claims that are  
substantially similar to the facts and claims alleged by plaintiff Oma Bap in *3Pak, LLC d/b/a Oma*

STIPULATION AND [PROPOSED] ORDER EXTENDING  
DEADLINE TO RESPOND TO PLAINTIFF'S AMENDED  
COMPLAINT - 1  
(Case No. 2:23-cv-00859)

LAW OFFICES  
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*Bap v. City of Seattle*, Case No. 2:23-cv-00540-TSZ (W.D. Wash.) (“*Oma Bap*”);

WHEREAS, the City moved to dismiss plaintiff *Oma Bap*’s complaint in *Oma Bap* and that motion is awaiting decision by this Court;

WHEREAS, the parties believe that the Court’s ruling on the City’s motion to dismiss in *Oma Bap* may clarify or affect the parties’ claims and/or defenses in this case;

WHEREAS, the parties have stipulated to extend the deadline for the City to answer or otherwise respond to Molly Moon’s’ amended complaint from Thursday, July 27, 2023 until fourteen (14) days after the Court rules on the City’s motion to dismiss plaintiff *Oma Bap*’s complaint in *Oma Bap*; and

WHEREAS, the requested extension will not affect any other deadlines in the case;

NOW THEREFORE, the parties, through their respective counsel of record, do hereby stipulate and agree that the City’s response to Molly Moon’s’ amended complaint will be due fourteen (14) days after the Court enters its order on the City’s motion to dismiss plaintiff *Oma Bap*’s complaint in *Oma Bap*.

**STIPULATED AND AGREED TO** this 26<sup>th</sup> day of July, 2023.

**MORGAN, LEWIS & BOCKIUS LLP**

**HARRIGAN LEYH FARMER & THOMSEN LLP**

By /s/ Gabriel Reilly-Bates

By /s/ Shane P. Cramer

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Homemade Ice Cream LLC*

STIPULATION AND [PROPOSED] ORDER EXTENDING  
DEADLINE TO RESPOND TO PLAINTIFF’S AMENDED  
COMPLAINT - 2  
(Case No. 2:23-cv-00859)

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**[PROPOSED] ORDER**

Having considered the parties' stipulation, and good cause having been demonstrated, the Court hereby orders that the deadline for the City to answer or otherwise respond to Plaintiff Molly Moon's Homemade Ice Cream's amended complaint be extended from July 27, 2023 until fourteen (14) days after the Court enters its order on the City's pending motion to dismiss plaintiff Oma Bap's complaint in *3Pak, LLC d/b/a Oma Bap v. City of Seattle*, Case No. 2:23-cv-00540-TSZ (W.D. Wash.).

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Thomas S. Zilly  
United States District Judge

Presented by:

HARRIGAN LEYH FARMER & THOMSEN LLP

By: s/ Tyler L. Farmer

By: s/ Shane P. Cramer

By: s/ Erica Iverson

By: s/ Ashley D. Burman

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STIPULATION AND [PROPOSED] ORDER EXTENDING  
DEADLINE TO RESPOND TO PLAINTIFF'S AMENDED  
COMPLAINT - 3  
(Case No. 2:23-cv-00859)

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